FILED April 25, 2012

IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

SA CV 11-1076 ODW (MRW)

MARVIN VERNIS SMITH,
Petitioner,
v.
RAUL LOPEZ, Warden,
Respondent.

ORDER ACCEPTING FINDINGS AND RECOMMENDATIONS OF UNITED STATES MAGISTRATE JUDGE

Pursuant to 28 U.S.C. § 636, the Court reviewed the petition, the records on file, and the Report and Recommendation of the United States Magistrate Judge. Further, the Court has engaged in a de novo review of those portions of the Reportto which Respondent has objected. The Court accepts the findings and recommendation of the Magistrate Judge.

IT IS ORDERED that Judgment be entered granting the petition and that Respondent either release or retry Petitioner within 90 days from the date of this order.

DATE: April 25, 2012

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HON. OTIS D. WRIGHT II
UNITED STATES DISTRICT JUDGE